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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/654,892

09/05/2003

Yohsuke Kobayashi

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08/15/2006

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP  
1250 CONNECTICUT AVENUE, NW  
SUITE 700  
WASHINGTON, DC 20036

EXAMINER

STRIMBU, GREGORY J

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/654,892	<b>Applicant(s)</b> KOBAYASHI ET AL.	
	<b>Examiner</b> Gregory J. Strimbu	<b>Art Unit</b> 3634	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Drawings***

The drawing correction filed September 1, 2005 has been approved.

***Claim Objections***

Claim 18 is objected to because “an interior side of of” on line 2 is grammatically incorrect. Claim 22 is objected to because the preamble of the claims does not agree with the preamble of claim 13 from which it depends. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation “said sealing lip in . . . directed upwardly” on lines 1-2 renders the claim indefinite because it is unclear if the applicant is attempting to claim the combination of the belt molding and the window or if the applicant is only claiming the subcombination of the belt molding. The preamble of claim 1 implies the subcombination while the positive recitation of the window implies the combination.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13, 15, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by French Patent Publication No. 2 718 392. French Patent Publication No. 2 718 392 discloses a sealing structure of an elevating window in a vehicle, comprising: a vehicle inner belt molding to be fitted along an interior side of the elevating window 6, the vehicle inner belt molding including a fitting portion 1 configured to be attached to the vehicle and a sealing lip 22 formed integrally with an exterior side of the fitting portion to be in elastic contact with an inner surface of the elevating window, and a trim board 5 disposed inside of the elevating window, the trim board having a downward flange portion (not numbered, but shown in figure 1) protruding therefrom; wherein the fitting portion has an upward opening groove (not numbered, but shown in figure 1) fittable with the downward flange portion and, wherein the vehicle inner belt molding is attached to the trim board by inserting the downward flange portion into the upward opening groove, and wherein the upward opening groove has a projection 15 projecting from a wall (not numbered, but shown in figure 1) of the upward opening groove, the projection extending longitudinally along the entire length of the vehicle inner belt molding, and wherein the fitting portion includes a car outer side fitting portion (not numbered, but shown in figure 1) having the upward opening groove and a car inner side fitting portion (not numbered, but shown in figure 1) to be positioned interior of the outer fitting portion.

Claims 1, 3-5, 12, 20, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by French Patent Publication No. 2 718 392. French Patent Publication No.

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2 718 392 discloses a vehicle inner belt molding comprising: a fitting portion 1 to be attached to the door inner panel 4; and a sealing lip 22 formed integrally with an exterior side of the fitting portion to be in elastic contact with an inner surface of the elevating window 6, wherein the fitting portion 1 has an upward opening groove (not numbered, but shown in figure 1) fittable with the downward flange portion (not numbered, but shown in figure 1), wherein the upward opening groove has a projection 15 projecting from a wall (not numbered, but shown in figure 1) of the upward opening groove, the projection extending longitudinally along the entire length of the vehicle inner belt molding, and wherein the fitting portion includes a car outer side fitting portion (not numbered, but shown in figure 1) having the upward opening groove and a car inner side fitting portion having a downward opening groove (not numbered, but shown in figure 1) for receiving the upper-edge flange portion of the door inner panel, the downward opening groove includes at least one gripping lip 14, a cloth pressing piece 24.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over French Patent Publication No. 2 718 392 as applied to claims 1, 3-5, 12, 20, and 21

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above, and further in view of Japanese Patent Publication No. 07-237448. Japanese Patent Publication No. 07-237448 discloses a inner belt molding 2 comprising a fitting portion 4 having positioning slits 5 which are engageable with positioning ribs 6.

It would have been obvious to one of ordinary skill in the art to provide French Patent Publication No. 2 718 392 with an attachment means, as taught by Japanese Patent Publication No. 07-237448, to more fixedly secure the trim board to the belt molding.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over French Patent Publication No. 2 718 392 in view of Japanese Patent Publication No. 07-237448 as applied to claims 6-9 above, and further in view of British Patent Application No. 2 362 415. British Patent Application No. 2 362 415 discloses a vehicle inner belt molding comprising a metal core member embedded in plastic sealing structure 25.

It would have been obvious to one of ordinary skill in the art to provide French Patent Publication No. 2 718 392, as modified above, with a construction, as taught by British Patent Application No. 2 362 415, to enable the molding to conform to manufacturing irregularities in the door inner panel 4.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over French Patent Publication No. 2 718 392 as applied to claims 1, 3-5, 12, 20, and 21 above, and further in view of Arata et al. Arata et al. discloses an inner belt molding comprising a fitting portion 4, 8 made of a thermoplastic elastomer material and further comprising

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sealing lips 11 made of a material which is capable of fusion bonding and is softer and more elastic than the fitting portion.

It would have been obvious to one of ordinary skill in the art to provide French Patent Publication No. 2 718 392 with a construction, as taught by Arata et al., to increase the strength of the fitting portion while maintaining the sealing ability of the sealing lips.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over French Patent Publication No. 2 718 392 as applied to claims 1, 3-5, 12, 20, and 21 above, and further in view of European Patent Publication No. 0 441 073. European Patent Publication No. 0 441 073 discloses a vehicle inner belt molding comprising an upwardly opening groove (not numbered, but shown in figure 5) having a bottom wall (not numbered, but shown in figure 5), the bottom wall including a holding lip 7 being elastically deformable.

It would have been obvious to one of ordinary skill in the art to provide French Patent Publication No. 2 718 392 with a holding lip, as taught by European Patent Publication No. 0 441 073, to better attach the door inner panel to the belt molding.

Claims 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over French Patent Publication No. 2 718 392 as applied to claims 13, 15, and 22 above, and further in view of Japanese Patent Publication No. 07-237448. Japanese



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Patent Publication No. 07-237448 discloses a inner belt molding 2 comprising a fitting portion 4 having positioning slits 5 which are engageable with positioning ribs 6.

It would have been obvious to one of ordinary skill in the art to provide French Patent Publication No. 2 718 392 with an attachment means, as taught by Japanese Patent Publication No. 07-237448, to more fixedly secure the trim board to the belt molding.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Publication No. 2 718 392 as applied to claims 13, 15, and 22 above, and further in view of European Patent Publication No. 0 441 073. European Patent Publication No. 0 441 073 discloses a vehicle inner belt molding comprising an upwardly opening groove (not numbered, but shown in figure 5) having a bottom wall (not numbered, but shown in figure 5), the bottom wall including a holding lip 7 being elastically deformable.

It would have been obvious to one of ordinary skill in the art to provide French Patent Publication No. 2 718 392 with a holding lip, as taught by European Patent Publication No. 0 441 073, to better attach the door inner panel to the belt molding.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over French Patent Publication No. 2 718 392 as applied to claims 13, 15, and 22 above, and further in view of Hamabata. Hamabata discloses a sealing structure 1 having a side wall 2 comprising a latching stripe 7 being configured to be received within a recess 27 on a downward flange portion 22.



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It would have been obvious to one of ordinary skill in the art to provide French Patent Publication No. 2 718 392, with a latching means, as taught by Hamabata, to better attach the trim board to the sealing structure.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. British Patent Application No. 2 302 120 is cited for disclosing a vehicle inner belt molding.

### ***Response to Arguments***

Applicant's arguments filed June 1, 2006 have been fully considered but they are moot in view of the new grounds of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The applicant has amended the claims to at least include the new limitation of the downwardly facing opening groove being disposed on a car inner side. See lines 15-16 of claim 1. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

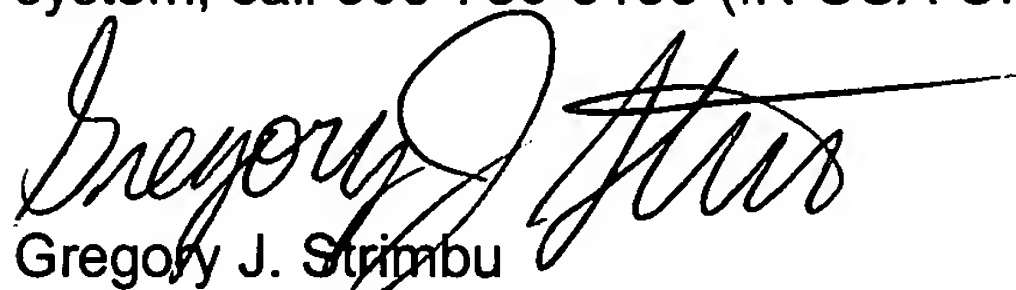
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gregory J. Strimbu  
Primary Examiner

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August 8, 2006